IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 18582 of 2004

Between:

K.K. Rao, S/o. K. Srinivas Rao, aged about 51 years,

Conductor, E.No.91298, APSRTC, Hanumakonda Depot,

R/o. Hanamakonda, Warangal District.

..... PETITIONER

AND

1. A.P.S.R.T.C., rep. by its Managing Director,
   Musheerabad, Hyderabad.
2. The Depot Manager, A.P.S.R.T.C.,
   Hanamakonda Depot, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records from the 2nd respondent and issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in proc. No.03/197(11)/2004-HNK, dated 5-10-2004 suspending the petitioner, as illegal, unjust, contrary to law, without application of mind, victimisation, unfair labour practice and also in violation of Articles 14, 16 and 21 of

the Constitution of India.

For the Petitioner: MR.A.K.JAYAPRAKASH RAO, Advocate.

For the Respondent Nos.1&2: SMT.P.RAJANI REDDY, S.C. for A.P.S.R.T.C.

The Court at the stage of admission made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 18582 of 2004

ORDER:

The petitioner, who is a Conductor in the respondents-Corporation, approached this Court challenging the order dated 05.10.2004 of the second respondent keeping him under suspension pending enquiry.

2. The allegation against the petitioner is that while proceeding to a particular destination, the bus was stopped in the middle of the way on account of Rasta Roko, therefore, he returned back without covering the further distance of 110 Kilometers.

3. The petitioner contends that in order to avoid damage to the bus and on account of the stopping of the bus for a period of two hours and twenty minutes, he could not take the bus to the further destination, therefore, he returned back to the depot.

4. On the basis of a preliminary enquiry report, the disciplinary action was initiated against the petitioner and simultaneously he was kept under suspension through the impugned order.

5. In the light of the circumstances explained by the petitioner, this is not a fit case for keeping the petitioner under suspension. The impugned order dated 05.10.2004 is therefore, set aside, regarding the order of suspension of the petitioner. This Order will not preclude the respondents-Corporation to proceed against the petitioner with the disciplinary enquiry and to pass appropriate orders, after following the procedure prescribed under the Regulations.

6. The Writ Petition is accordingly disposed of. No order as to costs.

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Dr.G.YETHIRAJULU, J

Date: 11th October, 2004.

Cs

ASSISTANT REGISTER

//TRUE COPY//

SECTION OFFICER

To

1. The Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.
2. The Depot Manager, A.P.S.R.T.C., Hanamkonda Depot, Warangal District.
3. Two C.D. copies.